

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROY L. MORRISON,

Plaintiff,

v.

ALBERTO GONZALES,

Defendant.

No. C 05-04351 JSW

COURT'S INTENDED VOIR DIRE

The Court submits the following proposed voir dire questions to the parties. Any objections to these questions and any additional questions either party requests be included shall be filed with the Court by no later than June 18, 2007.

The Court shall read the parties' Statement of the Case prior to posing the following questions:

1. Has any member of the panel heard or read anything about the case?
2. The Plaintiff in this case is Roy L. Morrison, and he is represented by Robert M. Ball.
 - a) Do any of you, or any member of your family or your close friends, know any of these persons?
 - b) Have any of you, or any member of your family or your close friends, had any business dealing with them or were represented by them?
 - c) Have any of you, or any member of your family or your close friends had any other similar relationship or business connection with any of them?
3. The Defendant in this case is Attorney General Alberto Gonzales. Defendant is represented by Abraham Simmons, Sarah Winslow and Owen Martikan.

- 1 a) Do any of you, or any member of your family or your close friends know any of
- 2 these persons?
- 3 b) Have any of you, or any member of your family or your close friends had any
- 4 business dealing with them or were represented by them?
- 5 c) Have any of you, or any member of your family or your close friends had any
- 6 other similar relationship or business connection with any of them?
- 7 4. As I indicated, my name is Jeffrey S. White. Do any of you know me?
- 8 5. My courtroom deputy is Jennifer Ottolini and my Law Clerks are Daisy Salzman,
- 9 Melissa Goldberg, and Kristin Ring. Do any of you know any of these people?
- 10 6. Do any of you know or have any of you had dealings, directly or indirectly, with any of
- 11 the following individuals or organizations whose names may be mentioned or who may
- 12 be witnesses during the course of this trial? **[The parties shall introduce their**
- 13 **witnesses to the venire. The Judge will direct panel members to raise their hands**
- 14 **and keep hands raised if they recognize a name]:**
- 15 7. Have any of you or anyone in your immediate family had any training in the law,
- 16 including any specialized training in employment or civil rights law?
- 17 8. Have any of you or an immediate family member ever been a party to a lawsuit?
- 18 9. Have any of you ever served as a juror in a criminal or a civil case or as a member of a
- 19 grand jury in either a federal or state court?
- 20 10. Do any you have any feelings or opinions about lawsuits, lawyers or parties to lawsuits
- 21 that would affect your ability to be a fair and impartial juror in this case?
- 22 11. Have any of you had any experiences with the Government of the United States Bureau
- 23 of Prisons that would affect your ability to be a fair and impartial juror in this case.
- 24 12. In this case, Mr. Morrison, an individual, is suing a federal agency. Is there anything
- 25 about those facts that would affect your ability to be a fair and impartial juror in this
- 26 case?
- 27 13. Have you or any member of your immediate family ever been terminated or laid-off
- 28 from a job or been passed over for a promotion, job change or transfer at work? Is there

- 1 anything about that experience that would affect your ability to be a fair and impartial
2 juror in this case?
- 3 14. Have you or any member of your immediate family been falsely accused, written up, or
4 otherwise disciplined by an employer? Is there anything about that experience that
5 would affect your ability to be a fair and impartial juror in this case?
- 6 15. Have any of you had any responsibility for hiring, firing, evaluating, supervising, or
7 disciplining other employees? Is there anything about that experience that would affect
8 your ability to be a fair and impartial juror in this case?
- 9 16. Have any of you or any members of your immediate family ever been involved in a
10 dispute or grievance with an employer or employee? Is there anything about that
11 experience that would affect your ability to be a fair and impartial juror in this case?
- 12 17. Do you have any views on the rules and laws with regarding to employer-employee
13 relations that would affect your ability to be a fair and impartial juror in this case?
- 14 18. Have you or any member of your immediate family ever been a victim of any kind of
15 retaliatory action by an employer? Is there anything about that experience that would
16 affect your ability to be a fair and impartial juror in this case?
- 17 19. Have you or any member of your immediate family ever been a victim of any kind of
18 retaliatory action in an employment context? Is there anything about that experience
19 that would affect your ability to be a fair and impartial juror in this case?
- 20 20. In the trial, Plaintiff will put his evidence on first and then Defendant has the
21 opportunity to put on his evidence. Do any of you think that you would have difficulty
22 keeping an open mind regarding this case until you have heard all of the evidence and I
23 have instructed you on the law?
- 24 21. If you are selected as a juror, you may have to resolve conflicts in the testimony of
25 witnesses. This means you may have to decide whether to believe or reject all or part of
26 a witness' testimony. Do any of you feel that this is something you cannot do?
- 27 22. If you are selected to sit on this case, is there anyone who thinks they will not be able to
28 render a verdict solely on the evidence presented at the trial and in the context of the law

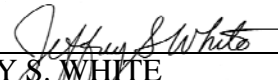
as I will give it to you in my instructions, disregarding any other ideas, notions, or beliefs about the law that you may have encountered in reaching your verdict?

23. Having heard the questions put to you by the Court, can any of you think of any other reason suggest as to why you could not sit on this jury and render a fair verdict based on the evidence presented to you and in the context of the Court's instructions to you on the law?

24. Do any of you have anything that you would like to bring to the Court's attention (*e.g.*, health problems, hearing problems, difficulty understanding English, personal bias, financial problems, etc.) that might affect your ability to be an effective, fair and impartial juror?

IT IS SO ORDERED.

Dated: June 5, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE